

**In the United States Court of Federal Claims**

No. 09-108 T

(Filed October 8, 2013)

\* \* \* \* \*

AMERGEN ENERGY CO., LLC by \*  
and through EXELON GENERATION \*  
CO., LLC, tax matters partner, \*  
\*

*Plaintiff*, \*

v. \*

THE UNITED STATES, \*

*Defendant*. \*

\* \* \* \* \*

**ORDER**

Pursuant to the court's opinion and order of September 17, 2013, the parties filed a Joint Status Report (JSR) on October 3, 2013. The parties state that:

The Court . . . ordered the parties to submit, by October 4, 2013, an agreed proposed draft order for entry of judgment, or alternative drafts of such an order, if the parties could not agree to one. The parties have conferred about the appropriate language for the judgment order to be entered, and have exchanged draft proposals. However, we have not yet agreed to a proposed order.

JSR at 1. The parties request additional time to try to come to agreement as to a proposed draft order for the entry of judgment in this case.

The parties identify several justifications for an enlargement of time. First, if they cannot come to agreement, more time will be needed to draft statements

explaining the rationale for particular language in alternate draft orders. Second, defendant's counsel is on leave from October 4 through October 14, 2013. Third, furloughs at the Department of Justice may affect authorization of the submission of a draft order for the entry of judgment in this case. For all of these reasons, the parties request that their next joint status report, and an attached draft order for the entry of judgment, or alternate draft orders, be due on or before October 24, 2013.

For the reasons stated in the parties' JSR, an enlargement of time is warranted.

Accordingly, it is hereby **ORDERED** that

- (1) On or before **October 24, 2013**, the parties shall **FILE a Joint Status Report** requesting the entry of final judgment in this case, and attaching a proposed draft order for the entry of judgment disposing of this case;
- (2) All other terms of the opinion and order filed September 17, 2013 as to the content of the Joint Status Report and its attachment(s) remain unchanged.

s/Lynn J. Bush  
LYNN J. BUSH  
Judge